



Town of Edinburgh

Administrative Offices: 107 South Holland Street, Edinburgh, IN 46124 Wade D. Watson wwatson@edinburgh.in.us

BZA STAFF REPORT

To: BOARD OF ZONING APPEALS MEMBERS
From: Wade D. Watson
Date: March 3, 2021
Re: CASE ZB 2021-03V, VARIANCE FROM DEVELOPMENTAL STANDARDS

GENERAL INFORMATION:

Applicant/Owner: ROBERT ALDRIDGE
5233 West Quan Wae Drive
Columbus, In 46201

Property Address: 409 E Main Cross Street, Edinburgh, IN 46124

Property Owner: Aldridge Robert D & Kimberly

Property Number: 41-12-34-031-088.000-002

Legal Description: *Lot Numbered Twelve (12) in Pfaltzgraff Addition to the Town of Edinburgh, as recorded in Plat Book 1, Page 29, in the office of the Recorder of Johnson County, Indiana.*

Acreage: 0.27 acre (11,766 Square Ft.)

Lot Size: 68' X 173'

Zoning: R 4 Medium Density Residential

National Register: Toner Historic District

Current Use: Residential Single Family Dwelling Platted Lot

FEMA Flood Plain: Subject Property does not exist in a designated flood area

SURROUNDING ZONING:

North: R 4:
South: R 4:
East: R 4:
West: R 4:

SURROUNDING LAND USE:

Medium Density Residential
Medium Density Residential
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Medium Density Residential

REQUEST:

Case BZA 2021-03V Robert Aldridge. Petitioner is requesting a variance from the requirements of the developmental standards of Division 2, Chapter 156.037 of the Town of Edinburgh Zoning Ordinance to allow the construction of a covered porch to be located within an area less than the minimum Front Yard Setback requirements established in Table 2 Districts Standards.

PUBLIC NOTIFICATIONS:

Petitioner has satisfied all documentation requirements, legal and public notifications specified in the Town of Edinburgh Zoning Board of Appeals Application Packet for Variance. Staff has received no oral or written remonstrance in response to this petition prior to completion of this report.

PURPOSE OF STANDARDS:

The purpose for the establishment of the six districts designated for residential use, ("R1", "R2", "R3", "R4", "R5", and "R6") is to create an attractive, stable, and orderly residential environment. The only uses permitted in these districts are those which would not detract from the residential character of the neighborhood. Each district has established density standards, dwelling types and the lot and yard requirements to provide for the various housing needs and desires for citizens.

CASE CONSIDERATIONS:

1. Division 2 Section 156.036 establishes the front yard setback requirement for properties in districts zoned R4 to be a minimum twenty-five (25) feet.
2. This lot exists on the southwest corner of E Main Cross Street and Grant Street. The residential structure on this property currently exists approximately thirty (30) feet from its north property line and approximately forty-two (42) feet from the curb of E Main Cross Street.
3. This property exists within Toner Historic District, established in Edinburgh for its collection of significant buildings spanning the era from circa 1850 to 1959. The Toner Historic District has a collection of substantial homes with high historic integrity, built in every era of the historic period. The date of construction for the home at 409 E Main Cross Street has not been discovered during the investigation, but it appears on the 1910 Sanborn map to be very similar to the footprint as it exists today. It is not listed specifically on the National Register of Historic Places of the Toner Historic District in the report dated January 31, 2010. Generally speaking, contributing properties had to retain original fenestration and its original open porch to be considered "contributing".
4. The renovation plans for this project are designed to create a historically appropriate elevation profile for the house. The addition of an open porch could increase the potential for this home to contribute more significantly to the Toner Historic District.
5. All the homes in this area were built prior to the establishment of the current zoning standards, many existing structures are not compliant with the current front yard setback requirement. Several

additions comprise the Toner Historic District, which accounts for a lack of uniformity in the setbacks from the street. Generally, properties closer to the railroad track have shallower setbacks and properties eastward from downtown have increased setbacks.

6. The petitioner is requesting a variance to construct a covered porch extending seven (7) feet from the north side of the house along the entire width of the structure, thus encroaching two (2) feet into the twenty-five (25) feet front yard setback

CRITERIA FOR DECISIONS:

(The petitioner will need to address the Criteria for Decisions in their presentation**)** In taking action on all variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a variance from development standards and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

1. **General Welfare:** The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

STAFF FINDINGS:

The approval of this variance will not be injurious to the public health, safety or general welfare.

2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

STAFF FINDINGS:

Adjacent properties to the subject property will not be affected in a substantially adverse manner.

3. **Practical Difficulty:** The strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. (This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.)

STAFF FINDINGS:

The strict application of the ordinance will not result in a practical difficulty in the use of this property. (The petitioner should explain how the strict application of these ordinances results in a practical difficulty in the use of the property.)


STAFF RECOMMENDATION

Based on these investigation findings, staff recommends **APPROVAL** of the petition subject to the following conditions:

1. That this decision is only granted to this Petitioner, and the Developmental Variance not transferable to any other property owner(s) not directly associated with the Petitioner;

2. That this decision is null and void should the Petitioner fail to develop the subject parcel as proposed within two (2) years of the date of the BZA Findings of Fact;
3. That prior to the commencement of construction, property owner shall obtain all required improvement permits from the office of the Building Commissioner and subject to the appropriate inspections.
4. The structure shall be compliant with International Residential Building Codes adopted by the State of Indiana, and all other requirements of the Edinburgh Zoning Ordinances.

Respectively Submitted,



Wade D. Watson, Building Commissioner
Town of Edinburgh, Indiana